

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARIUS SPRUCE and MIA SPRUCE,

Plaintiffs,

Case No. 13-cv-10711

v.

HONORABLE STEPHEN J. MURPHY, III

CHASE BANK and CCO MORTGAGE,

Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATION** (document no. 13) **AND GRANTING DEFENDANT
CHASE'S MOTION FOR JUDGMENT ON THE PLEADINGS** (document no. 7)

On February 19, 2013, Plaintiffs Darius Spruce and Mia Spruce filed a pro se civil complaint regarding the foreclosure and Sheriff's sale of their real property against the assignee of their mortgage, Defendant JPMorgan Chase Bank, N.A. ("Chase") and its servicer, Defendant CCO Mortgage ("CCO"). The Court referred all pre-trial proceedings to a United States Magistrate Judge for resolution or recommendation. On April 19, 2013, Chase moved for judgment on the pleadings. Although the magistrate judge directed Plaintiffs to file a response to the motion, they did not do so. Order Requiring Plaintiffs to File Response, ECF No. 9. On January 16, 2014, the magistrate judge issued a Report and Recommendation ("Report"), recommending that Chase's motion be granted because Plaintiffs lack standing to challenge the foreclosure and sale of their property, and have not plausibly stated a due process claim, a claim for equitable extension of the redemption period, or any other claim cognizable in this Court.

Civil Rule 72(b) governs review of a magistrate judge's report and recommendation. De novo review of the magistrate judge's findings is only required if the parties "serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ.

P. 72(b)(2). Nevertheless, because a district judge always retains jurisdiction over a motion after referring it to a magistrate judge, he is entitled to review the magistrate judge's findings of fact and conclusions of law on his own initiative. See *Thomas v. Arn*, 474 U.S. 140, 154 (1985) (clarifying that while a district court judge need not review a report and recommendation “de novo if no objections are filed, it does not preclude further review by the district judge, sua sponte or at the request of a party, under a de novo or any other standard”).

Because neither party filed objections to the Report, de novo review of the Report's conclusions is not required. Having reviewed the Report's analysis, in light of the record, the Court finds that its conclusions are factually based and legally sound. Accordingly, it will adopt the Report's findings and grant the motion for summary judgment.

ORDER

WHEREFORE, it is hereby **ORDERED** that the Report and Recommendation (document no. 13) is **ADOPTED**.

IT IS FURTHER ORDERED that Chase's motion for judgment on the pleadings (document no. 7) is **GRANTED**.

IT IS FURTHER ORDERED that Chase is dismissed from this action.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: February 3, 2014

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 3, 2014, by electronic and/or ordinary mail.

s/Carol Cohron
Case Manager